

at Lewiston, Idaho, alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., Fresno, Calif., on or about July 17, 1927, and transported from the State of California into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Mission Brand Choice Black Figs."

It was alleged in the libel that the article was adulterated, in that the said figs were wormy, filthy, decomposed, or putrid.

On November 12, 1927, no claimant having appeared for the property, judgment of the court was entered finding the product adulterated and subject to condemnation and forfeiture, and it was ordered by the court that the figs be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15495. Adulteration and misbranding of canned clams. U. S. v. 28 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22161. I. S. No. 21514-x. S. No. 214.)

On November 15, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of canned clams, at New York, N. Y., alleging that the article had been shipped by J. W. Windsor, from Boston, Mass., on or about September 23, 1927, and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Choice Clams, Little Neck * * * Beaver Brand Clams * * * Packed by J. W. Windsor, Limited, Little River, N. S. Packed in Canada," and also bore cut of unopened little neck clams in shell.

Examination of the article showed it to consist of soft clams.

It was alleged in the libel that the article was adulterated in violation of section 7 of the food and drugs act.

Misbranding was alleged for the reason that the statement, "Clams Little Neck," and the design showing unopened little neck clams, borne on the label, were false and misleading and deceived purchasers, and in that the article was offered for sale under the distinctive name of another article.

On December 16, 1927, J. W. Windsor, Ltd., Montreal, Canada, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15496. Adulteration of figs. U. S. v. 100 Boxes of White Figs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22054. I. S. Nos. 13177-x, 13181-x. S. No. 95.)

On or about October 19, and November 23, 1927, respectively, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 315 boxes of figs, at Amarillo, Texas, alleging that the article had been shipped by Garcia & Maggini Co., Fresno, Calif., on or about March 16, 1927, and transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled, variously in part: "Progreso Brand Choice California Black Figs," "Bon Ton Brand Fancy California White Figs," "Paradise Brand Extra Choice California White Figs," "Progreso Brand Choice California White Figs."

It was alleged in substance in the libels that the article was adulterated, in that it consisted in part of a filthy, decomposed, or putrid substance, worms being present in the said figs, which made them unfit for food for human consumption.

On December 7, 1927, and January 2, 1928, no claimant having appeared for the property, and the court having found the allegations of the libels to be true and correct, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*